

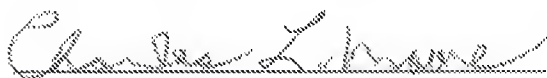
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number	Filed
		10/708,971	April 5, 2004
		First Named Inventor	
		Paul F. McMahan	
		Art Unit	Examiner
		2174	Boris M. Pesin
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 33742</p> <p>Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p> <p>Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Signature

Charles L. Moore

Typed or printed name

919/286-8000

Telephone number

November 9, 2007

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul F. McMahan et al.)	Confirmation # 2970
)	
Application No. 10/708,971)	Examiner: Boris M. Pesin
)	
Filed: April 5, 2004)	Group Art Unit: 2174
)	
Title: PORTAL INCLUDING DETACHABLE)	
AND REATTACHABLE PORTLETS)	
)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants submit that the current and preceding office actions issued by the Examiner in the present application contain clear errors in the Examiner's rejections as well as omissions of one or more essential elements needed for a *prima facie* rejection under 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

The present invention is related to detachable portlets in a portal environment or web page that can be detached by a user to simplify the portal and reduce clutter. When a detachable portlet is detached, a placeholder is formed in the portal to represent the detached portlet. Both the placeholder and the detached portlet include a feature for reattaching the portlet.

Claims 1-4, 7, 8, 10-14, 18-20, 23-28, 31-37, 41-44, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Qian et al. (U.S. Patent Pub. 2003/0145275; hereinafter Qian) in view of Samaniego (U.S. Patent 6,792,575; hereinafter Samaniego). This rejection is respectfully traversed. Independent claim 1 recites:

“a placeholder formed in the portal to represent the at least one detachable portlet when detached, wherein the placeholder is formed in response to the at least one detachable portlet being detached.”

The Examiner on page 3 of the last Office Action dated as mailed 08/09/2007 admits that

Qian does not teach a placeholder formed in the portlet to represent the at least one detachable portlet when detached and that the placeholder is formed in response to the at least one detachable portlet being detached. The Examiner cites column 2, lines 44-51 of Samaniego for rejecting this feature of independent claim 1. Samaniego in column 2, lines 40-52 recites:

"When a data request is made, the data transfer rate is monitored. When the receive data transfer rate is slow, and the data contains an embedded graphical image of unknown dimensions, a small placeholder image is automatically displayed for the user instead of the actual data. The small placeholder image holds a place on a display device for the data or the embedded graphical image until the data or embedded graphical image is received. When embedded graphical image is received, the placeholder image is removed, and the display device is reformatted to display the embedded graphical image."

From this recitation of Samaniego, it is clear that Samaniego does not teach a placeholder formed in a portal to represent at least one detachable portlet when detached and that the placeholder is formed in response to the at least one detachable portlet being detached. Applicant respectfully submits that the Examiner is not taking into consideration these limitations in claim 1. Accordingly, Applicant respectfully submits that independent claim 1 is patentably distinguishable over Qian and Samaniego, and reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 1 is respectfully requested.

Regarding the rejection of independent claims 11, 19, 24, 33, and 42, these claims recite similar features to independent claim 1. Therefore, independent claims 11, 19, 24, 33, and 42 are also respectfully submitted to be patentably distinguishable over Qian and Samaniego for the same reasons as discussed with respect to independent claim 1. Reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully solicited.

Regarding the rejection of claims 2-4, 7, 8, 10, 12-14, 18, 20, 23, 25-28, 31-32, 34-37, 41, 43-44, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Qian in view of Samaniego, claims 2-4, 7-8, and 10 depend either directly or indirectly from independent claim 1; claims 12-14, and 18 depend either directly or indirectly from independent claim 11; claims 20 and 23 depend directly from independent claim 19; claims 25-28 and 31-32 depend

directly from independent claim 24; claims 34-37, and 41 depend directly from independent claim 33; and claims 43-44, and 48 depend directly from independent claim 42. Because of these dependencies, these dependent claims include all of the features of the referenced independent claims. As previously discussed, independent claims 1, 11, 19, 24, 33, and 42 are patentably distinguishable over Qian and Samaniego. Therefore, these dependent claims are also submitted to be patentably distinguishable over Qian and Samaniego, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of these claims is respectfully requested.

Claims 6, 9, 16-17, 22, 30, 39, and 46-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Qian in view of Samaniego and further in view of Becker et al. (U.S. Patent 6,981,223; hereinafter Becker). This rejection is respectfully traversed. Claim 6 recites:

“the placeholder comprises a reattach feature to reattach the detached portlet to the portal in response to activating the reattach feature.”

The Examiner on page 6, of the Office Action dated as mailed August 9, 2007 admits that Qian and Samaniego fail to teach that the placeholder comprises a reattach feature. Becker was cited for teaching a multiple messaging window management system wherein a main window comprises a reattach feature (Dock Option 1204 in Figure 13 of Becker) to reattach (Dock) the detached window pane to the portal in response to activating the reattach feature (Figure 13 and column 19, lines 55-57 of Becker). Becker in column 19, lines 53-59 recites:

“While the user interface of FIGS. 12 and 13 is similar to the user interface of FIG. 1, there are some differences of note. For example, a toggle switch 1204 marked "DOCK OPTION" is used to alternately dock and undock all window pane sets. The undocked window pane sets 1304 and 1306 may be repositioned as desired using, for example, mouse controls...”

Accordingly, Becker merely teaches that window pane sets 1304 and 1306 may be separated using the toggle switch 1204 marked “DOCK OPTION” and then reposition using a mouse. Applicant respectfully submits that Becker does not teach or suggest that a placeholder is formed to take the place of the undocked window pane set. This would be contrary to the

teachings of Becker, wherein Becker teaches that the window pane sets can be repositioned using mouse controls as clearly indicated in the recitation from Becker above. Replacing one of the window panes with a placeholder would defeat this function of Becker. Accordingly, Applicants respectfully submit that a person of ordinary skill in the art would not be motivated to combine the teaching of Becker with Qian and Samaniego.

Even if it were proper to combine Qian, Samaniego, and Becker, they still would not provide the embodiments of the present invention as recited in the claims. As indicated above, claim 6 recites:

“the placeholder comprises a reattach feature to reattach the detached portlet to the portal in response to activating the reattach feature.”

In contrast, Becker as just discussed, does not teach or suggest that the undocked window pane is formed as a placeholder as provided by the embodiment of the present invention as recited in the claims. Further, claim 6 depends directly from independent claim 1 and by virtue of that dependency, contains all of the features of independent claim 1. Applicant respectfully submits that Becker adds nothing to the teachings of Qian and Samaniego so as to render independent claim 1 unpatentable. Therefore, claim 6 is submitted to be patentably distinguishable over Qian, Samaniego and Becker, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claim 6 is respectfully solicited.

With respect to the rejection of claims 9, 16-17, 22, 30, 39, and 46-47 under 35 U.S.C. § 103(a) as being unpatentable over Qian in view of Samaniego and further in view of Becker, these claims recite similar features to claim 6. Additionally, claim 9 depends indirectly from independent claim 1; claims 16-17 depend either directly or indirectly from independent claim 11; claim 22 depends directly from independent claim 19; claim 30 depends directly from independent claim 24; claim 39 depends directly from independent claim 33; and claims 46-47 depend directly from independent claim 42. By virtue of these dependencies, these claims include all of the features of the referenced independent claim and any intermediate claims. Applicant respectfully submits that Becker adds nothing to the teachings of Qian and Samaniego so as to render independent claims 1, 11, 24, 33, and 42 unpatentable. Therefore, claims 9, 16-17, 22, 30, 39, and 46-47 are also submitted to be

patentably distinguishable over Qian, Samaniego and Becker, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully requested.

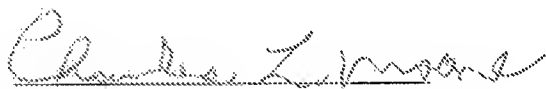
Claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Qian in view of Samaniego and further in view of Fischer et al. (U.S. Patent Pub. 2003/0188163; hereinafter Fischer). The Office Action dated at mailed August 9, 2007 admits that Qian and Samaniego fail to teach the features of claim 40. Fischer was cited for teaching a portal control system for invoking portlets that comprise a portlet container. Claim 40 depends directly from independent claim 33. By virtue of this dependency, claim 40 includes all of the features of independent claim 33. Applicant respectfully submits that Fischer adds nothing to the teachings of Qian and Samaniego so as to render independent claim 33 unpatentable. Therefore, claim 40 is also submitted to be patentably distinguishable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 40 is respectfully requested.

As the Examiner's rejections have been shown to be in clear error and lack essential elements of a *prima facie* anticipation rejection or a *prima facie* obviousness rejection, Applicants respectfully request that the claims of the present application be allowed to issue.

Respectfully submitted,

Date: Nov. 9, 2007

By:



Charles L. Moore

Registration No. 33,742

Attorney for Applicants

Moore & Van Allen, PLLC

P.O. Box 13706

Research Triangle Park, NC 27709

Telephone: (919) 286-8000

Facsimile: (919) 286-8199